

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

EDGAR JUAREZ GONZALES, DONICIO EVARISTO,
AND NATALIO MALDONADO

Plaintiffs

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CIVIL ACTION NO. 12-6167

- against-

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EMPIRE CORNER OF 8 INC. D/B/A EMPIRE CORNER,
JOHN DOE CORPORATION D/B/A "U" LIKE GARDEN, XIN LI,
YAN XU, CHEN SHOU GUAN, XIANG ZHEN XU

:

Defendants :

:

DEFENDANTS EMPIRE CORNER OF 8 INC. D/B/A EMPIRE CORNER AND XIANG ZHEN XU
and XIN LI'S RESPONSES TO THE COMPLAINT OF EDGAR JUAREZ GONZALES, DONICIO
EVARISTO, AND NATALIO MALDONADO

Defendants, Empire Corner of 8 dba Empire Corner, Xin Li, and Xiang Zhen Xu, by and
through their undersigned counsel, hereby answer Plaintiffs' complaint in the captioned
matter as follows:

First Affirmative Defense

Plaintiffs Edgar Juarez Gonzales and Donicio Evaristo's complaint fails to state a claim
upon which relief can be granted because there was never an employment relationship
between those Plaintiffs or Defendant Empire Corner of 8 dba Empire Corner or
Defendants Xin Li and Xiang Zhen Xu, as required by the Fair Labor Standards Act or the

New York Labor Law.

Second Affirmative Defense

The Court lacks subject matter jurisdiction over Plaintiffs Edgar Juarez Gonzales and Donicio Evaristo's Complaint with respect to Defendants Empire Corner of 8 dba Empire Corner, Xin Li, and Xiang Zhen Xu, because those Defendants were never Employers of Plaintiff as required by the Fair Labor Standards Act or the New York Labor Law.

Third Affirmative Defense

Defendants Empire Corner of 8 dba Empire Corner (hereinafter "Empire"), Xin Li (hereinafter "Li"), and Xiang Zhen Xu (hereinafter "Xu") deny each and every allegation contained in the Complaint with respect to them except as hereinafter may be expressly admitted.

In response to the numbered paragraphs and sentences of the Complaint, Defendants admit, deny, or otherwise respond as follows:

1. Defendants Empire, Li, and Xu deny the allegations with respect to them of Paragraph 1.

2. Defendants Empire, Li, and Xu deny the allegations with respect to them of Paragraph 2.

3. Defendants Empire, Li, and Xu deny the allegations with respect to them of Paragraph 3.

4. Defendants Empire, Li, and Xu deny the allegations with respect to them of Paragraph 4.

5. Admit that Plaintiff's Complaint purports to be a suit under the Fair Labor Standards Act the New York Labor Law, and the New York City Human Rights Law. Except as expressly admitted herein, Defendants Empire, Li, and Xu deny the rest and remainder of Paragraph 5.

6. Paragraph 6 of the Complaint contains legal assertions or conclusions to which no responsive pleading is required. Except as expressly admitted herein, Defendants Empire, Li, and Xu deny the rest and remainder of Paragraph 6.

7. Paragraph 7 of the Complaint contains legal assertions or conclusions to which no responsive pleading is required. . Except as expressly admitted herein, Defendants

Empire, Li, and Xu deny the rest and remainder of Paragraph 7.

8. Paragraph 8 of the Complaint contains legal assertions or conclusions to which no responsive pleading is required. . Except as expressly admitted herein, Defendants Empire, Li, and Xu deny the rest and remainder of Paragraph 8.

9. Defendants Empire, Li, and Xu deny the allegations with respect to them of Paragraph 9.

10. Defendants Empire, Li, and Xu deny the allegations with respect to them of Paragraph 10.

11. Defendants Empire, Li, and Xu admit the allegations with respect to them of Paragraph 11 with respect to Plaintiff Natalio Moldonado. Except as expressly admitted herein, Defendants Empire, Li, and Xu deny the rest and remainder of Paragraph 11.

12. Defendants Empire, Li, and Xu admit the allegations with respect to them of Paragraph 12 with respect to Defendant Li and Xu's operational control over Defendant Empire. Except as expressly admitted herein, Defendants Empire, Li, and Xu deny the rest and remainder of Paragraph 12.

13. Paragraph 13 of the Complaint contains legal assertions or conclusions to which no responsive pleading is required. . Except as expressly admitted herein, Defendants Empire, Li, and Xu deny the rest and remainder of Paragraph 13.

14. Defendants Empire, Li, and Xu lack knowledge or information sufficient to form a belief with respect to the allegations contained in Paragraph 14.

15. Defendants Empire, Li, and Xu admit that Plaintiff Moldonado was employed at Defendant Empire. Except as expressly admitted herein, Defendants Empire, Li, and Xu deny the rest and remainder of Paragraph 15.

16. Defendants Empire, Li, and Xu admit that Defendant Xu has been a manager at Defendant Empire. Except as expressly admitted herein, Defendants Empire, Li, and Xu deny the rest and remainder of Paragraph 16.

17. Defendants Empire, Li, and Xu deny the allegations contained in Paragraph 17.

18. Defendants Empire, Li, and Xu deny the allegations contained in Paragraph 18

19 Defendants Empire, Li, and Xu admit the allegations contained in Paragraph 17.

20. Defendants Empire, Li, and Xu lack knowledge or information sufficient to form a belief with respect to the allegations contained in Paragraph 20.

21. Defendants Empire, Li, and Xu lack knowledge or information sufficient to form a belief with respect to the allegations contained in Paragraph 21.

22. Defendants Empire, Li, and Xu lack knowledge or information sufficient to form a belief with respect to the allegations contained in Paragraph 20.

21. Defendants Empire, Li, and Xu lack knowledge or information sufficient to form a belief with respect to the allegations contained in Paragraph 20.

21. Defendants Empire, Li, and Xu lack knowledge or information sufficient to form a belief with respect to the allegations contained in Paragraph 21.

22. Defendants Empire, Li, and Xu lack knowledge or information sufficient to form a belief with respect to the allegations contained in Paragraph 22.

23. Defendants Empire, Li, and Xu admit the allegations contained contained in Paragraph 23.

24. Defendants Empire, Li, and Xu admit the allegations contained in Paragraph 24.

25. Defendants Empire, Li, and Xu admit that Empire is engaged in the sale of food and provides a seating area for customers. To the extent that this paragraph contains legal assertions or conclusions, no responsive pleading is required, and except as expressly admitted herein, Defendants Empire, Li, and Xu deny the rest and remainder of Paragraph 25.

26. Paragraph 26 of the Complaint contains legal assertions or conclusions to which no responsive pleading is required. Except as expressly admitted herein, Defendants Empire, Li, and Xu deny the rest and remainder of Paragraph 26.

27. Paragraph 27 of the Complaint contains legal assertions or conclusions to which no responsive pleading is required. Except as expressly admitted herein, Defendants Empire, Li, and Xu deny the rest and remainder of Paragraph 27.

28. Defendants Empire, Li, and Xu lack knowledge or information sufficient to

form a belief with respect to the allegations contained in Paragraph 28.

29. Defendants Empire, Li, and Xu deny the allegations contained in Paragraph 29.

30. Defendants Empire, Li, and Xu deny the allegations contained in Paragraph 30.

31. Defendants Empire, Li, and Xu deny the allegations contained in Paragraph 31.

32. Defendants Empire, Li, and Xu deny the allegations contained in Paragraph 32.

33. Defendants Empire, Li, and Xu deny the allegations contained in Paragraph 34.

35. Defendants Empire, Li, and Xu lack knowledge or information sufficient to form a belief with respect to the allegations contained in Paragraph 35.

36. Defendants Empire, Li, and Xu deny the allegations contained in Paragraph 36.

37. Defendants Empire, Li, and Xu deny the allegations contained in Paragraph 37.

38. Defendants Empire, Li, and Xu deny the allegations contained in Paragraph 38.

39. Defendants Empire, Li, and Xu deny the allegations contained in Paragraph 39.

40. Defendants Empire, Li, and Xu deny the allegations contained in Paragraph 40.

41. Defendants Empire, Li, and Xu deny the allegations contained in Paragraph 41.

42. Defendants Empire, Li, and Xu deny the allegations contained in Paragraph 42.

43. Defendants Empire, Li, and Xu deny the allegations contained in Paragraph 43.

44. Defendants Empire, Li, and Xu deny the allegations contained in Paragraph 44.

45. Defendants Empire, Li, and Xu admit the allegations contained in Paragraph 45.

46. Defendants Empire, Li, and Xu lack knowledge or information sufficient to form a belief with respect to the allegations contained in Paragraph 46.

47. Defendants Empire, Li, and Xu deny the allegations contained in Paragraph 47.

48. Defendants Empire, Li, and Xu deny the allegations contained in Paragraph 48.

49. Defendants Empire, Li, and Xu lack knowledge or information sufficient to form a belief with respect to the allegations contained in Paragraph 49.

50. Defendants Empire, Li, and Xu lack knowledge or information sufficient to form a belief with respect to the allegations contained in Paragraph 50.

51. Defendants Empire, Li, and Xu deny the allegations contained in Paragraph 51.

52. Defendants Empire, Li, and Xu deny the allegations contained in Paragraph 52.

53. Defendants Empire, Li, and Xu admit that Empire hired Asian and Spanish speaking employees at Empire, and deny the rest and remainder of Paragraph 53.

54. Defendants Empire, Li, and Xu deny the allegations contained in Paragraph 54.

55. Defendants Empire, Li, and Xu deny the allegations contained in Paragraph 55.

56. Defendants Empire, Li, and Xu lack knowledge or information sufficient to form a belief with respect to the allegations contained in Paragraph 56.

57. Defendants Empire, Li, and Xu deny the allegations contained in Paragraph 57.

58. Defendants Empire, Li, and Xu repeat and re-allege their responses to all

preceding allegations.

59. Paragraph 59 of the Complaint contains legal assertions or conclusions to which no responsive pleading is required. Except as expressly admitted herein, Defendants Empire, Li, and Xu deny the rest and remainder of Paragraph 59.

60. Paragraph 60 of the Complaint contains legal assertions or conclusions to which no responsive pleading is required. Except as expressly admitted herein, Defendants Empire, Li, and Xu deny the rest and remainder of Paragraph 60.

61. Paragraph 61 of the Complaint contains legal assertions or conclusions to which no responsive pleading is required. Except as expressly admitted herein, Defendants Empire, Li, and Xu deny the rest and remainder of Paragraph 61.

62. Paragraph 62 of the Complaint contains legal assertions or conclusions to which no responsive pleading is required. Except as expressly admitted herein, Defendants Empire, Li, and Xu deny the rest and remainder of Paragraph 62.

63. Paragraph 63 of the Complaint contains legal assertions or conclusions to which no responsive pleading is required. Except as expressly admitted herein, Defendants Empire, Li, and Xu deny the rest and remainder of Paragraph 63.

64. Defendants Empire, Li, and Xu deny the allegations contained in Paragraph 64.

65. Paragraph 65 of the Complaint contains legal assertions or conclusions to which no responsive pleading is required. Except as expressly admitted herein, Defendants Empire, Li, and Xu deny the rest and remainder of Paragraph 65.

66. Defendants Empire, Li, and Xu deny the allegations contained in Paragraph 66.

67. Defendants Empire, Li, and Xu deny the allegations contained in Paragraph 67.

68. Defendants Empire, Li, and Xu deny the allegations contained in Paragraph 68.

69. Defendants Empire, Li, and Xu repeat and re-allege their responses to all preceding allegations.

70. Paragraph 70 of the Complaint contains legal assertions or conclusions to

which no responsive pleading is required. Except as expressly admitted herein, Defendants Empire, Li, and Xu deny the rest and remainder of Paragraph 70.

71. Paragraph 71 of the Complaint contains legal assertions or conclusions to which no responsive pleading is required. Except as expressly admitted herein, Defendants Empire, Li, and Xu deny the rest and remainder of Paragraph 71.

72. Defendants Empire, Li, and Xu deny the allegations contained in Paragraph 72.

73. Defendants Empire, Li, and Xu deny the allegations contained in Paragraph 73.

74. Defendants Empire, Li, and Xu deny the allegations contained in Paragraph 74.

75. Defendants Empire, Li, and Xu deny the allegations contained in Paragraph 75.

76. Defendants Empire, Li, and Xu repeat and re-allege their responses to all preceding allegations.

77. Paragraph 77 of the Complaint contains legal assertions or conclusions to which no responsive pleading is required. Except as expressly admitted herein, Defendants Empire, Li, and Xu deny the rest and remainder of Paragraph 77.

78. Paragraph 78 of the Complaint contains legal assertions or conclusions to which no responsive pleading is required. Except as expressly admitted herein, Defendants Empire, Li, and Xu deny the rest and remainder of Paragraph 78.

79. Paragraph 79 of the Complaint contains legal assertions or conclusions to which no responsive pleading is required. Except as expressly admitted herein, Defendants Empire, Li, and Xu deny the rest and remainder of Paragraph 79.

80. Paragraph 80 of the Complaint contains legal assertions or conclusions to which no responsive pleading is required. Except as expressly admitted herein, Defendants Empire, Li, and Xu deny the rest and remainder of Paragraph 80.

81. Defendants Empire, Li, and Xu deny the allegations contained in Paragraph 81.

82. Paragraph 80 of the Complaint contains legal assertions or conclusions to which no responsive pleading is required. Except as expressly admitted herein,

Defendants Empire, Li, and Xu deny the rest and remainder of Paragraph 82.

83. Defendants Empire, Li, and Xu deny the allegations contained in Paragraph 83.

84. Defendants Empire, Li, and Xu deny the allegations contained in Paragraph 84.

85. Defendants Empire, Li, and Xu deny the allegations contained in Paragraph 85.

86. Defendants Empire, Li, and Xu repeat and re-allege their responses to all preceding allegations.

87. Paragraph 87 of the Complaint contains legal assertions or conclusions to which no responsive pleading is required. Except as expressly admitted herein, Defendants Empire, Li, and Xu deny the rest and remainder of Paragraph 87.

88. Paragraph 88 of the Complaint contains legal assertions or conclusions to which no responsive pleading is required. Except as expressly admitted herein, Defendants Empire, Li, and Xu deny the rest and remainder of Paragraph 88.

89. Defendants Empire, Li, and Xu deny the allegations contained in Paragraph 89.

90. Defendants Empire, Li, and Xu deny the allegations contained in Paragraph 90.

91. Defendants Empire, Li, and Xu deny the allegations contained in Paragraph 91.

92. Paragraph 88 of the Complaint contains legal assertions or conclusions to which no responsive pleading is required. Except as expressly admitted herein, Defendants Empire, Li, and Xu deny the rest and remainder of Paragraph

93. Defendants Empire, Li, and Xu repeat and re-allege their responses to all preceding allegations.

94. Paragraph 94 of the Complaint contains legal assertions or conclusions to which no responsive pleading is required. Except as expressly admitted herein, Defendants Empire, Li, and Xu deny the rest and remainder of Paragraph 94.

95. Defendants Empire, Li, and Xu deny the allegations contained in Paragraph

95.

96. Defendants Empire, Li, and Xu deny the allegations contained in Paragraph 96.

97. Defendants Empire, Li, and Xu deny the allegations contained in Paragraph 97.

98. Defendants Empire, Li, and Xu deny the allegations contained in Paragraph 98.

99. Defendants Empire, Li, and Xu repeat and re-allege their responses to all preceding allegations.

100. Defendants Empire, Li, and Xu deny the allegations contained in Paragraph 100.

101. Defendants Empire, Li, and Xu deny the allegations contained in Paragraph 101.

102. Defendants Empire, Li, and Xu deny the allegations contained in Paragraph 102.

103. Defendants Empire, Li, and Xu deny the allegations contained in Paragraph 103.

104. Defendants Empire, Li, and Xu repeat and re-allege their responses to all preceding allegations.

105. Defendants Empire, Li, and Xu deny the allegations contained in Paragraph 105.

106. Defendants Empire, Li, and Xu deny the allegations contained in Paragraph 106.

107. Defendants Empire, Li, and Xu repeat and re-allege their responses to all preceding allegations.

108. Defendants Empire, Li, and Xu deny the allegations contained in Paragraph 108.

109. Defendants Empire, Li, and Xu deny the allegations contained in Paragraph 109.

110. Defendants Empire, Li, and Xu deny the allegations contained in Paragraph 110.

111. Defendants Empire, Li, and Xu repeat and re-allege their responses to all preceding allegations

112. Defendants Empire, Li, and Xu deny the allegations contained in Paragraph 112.

113. Defendants Empire, Li, and Xu deny the allegations contained in Paragraph 113.

114. Defendants Empire, Li, and Xu deny the allegations contained in Paragraph 114.

115. Defendants Empire, Li, and Xu deny the allegations contained in Paragraph 115.

116. Defendants Empire, Li, and Xu repeat and re-allege their responses to all preceding allegations.

117. Defendants Empire, Li, and Xu deny the allegations contained in Paragraph 117.

118. Defendants Empire, Li, and Xu deny the allegations contained in Paragraph 118.

119. Defendants Empire, Li, and Xu deny the allegations contained in Paragraph 119.

120. Defendants Empire, Li, and Xu deny the allegations contained in Paragraph 120.

WHEREFORE, Defendants respectfully request that judgment be entered DENYING the relief requested by Plaintiff and awarding costs and such further relief as the Court deems just to the Defendants.

August 27, 2012

Respectfully submitted,

Flushing, NY

STEPHEN B. IRWIN,ESQ.
39-15 MAIN STREET
SUITE 318
FLUSHING, NY 11354

~~11. Defendants New Moon Nails, Inc. and Yang Zheng Yue deny that the Plaintiff performed labor for either of them. Said Defendants lack knowledge or information sufficient to form a belief with respect to the rest and remainder of Paragraph 11.~~

~~12. Defendants New Moon Nails, Inc. and Yang Zheng Yue lack knowledge or information sufficient to form an opinion as to the truth or falsity of the allegations contained in Paragraph 12, except they deny that any such corporation has its principal place of business at 175-19 Jamaica Avenue, Jamaica, NY 11432.~~

~~13. Defendants New Moon Nails, Inc. and Yang Zheng Yue deny the allegation that Defendants Jiqun Cheng, and Eun Kim are residents at 175-19 Jamaica Avenue,~~

Jamaica , New York and lack knowledge or information sufficient to form an opinion as to the truth or falsity as to the rest and remainder of Paragraph 13.

14. Admit the allegations contained in Paragraph 14, except that it denies it is engaged primarily in the beauty salon business.

15. Defendant Yang Zheng Yue admits that she is an officer, director or owner of Defendant New Moon Nails, Inc., but denies that she was so during all relevant times. The remainder of the allegations contain legal assertions or conclusions to which no responsive pleading is required.

16. Paragraph 16 of the Complaint contains legal assertions or conclusions to which no responsive pleading is required. Except as expressly admitted herein, Defendants New Moon Nails, Inc. and Yang Zheng Yue deny the rest and remainder of Paragraph 16.

17. Defendants New Moon, Inc. and Yang Zheng Yue deny the allegations contained in Paragraph 17.

18. Defendants New Moon Nails, Inc. and Yang Zheng Yue deny the allegations with respect to them of Paragraph 18.

19. Defendants New Moon Nails, Inc. and Yang Zheng Yue deny the allegations with respect to them of Paragraph 19.

20. Plaintiff's Complaint reverts to a second Paragraph 13 instead of Paragraph 20. The Answer will therefore use the Paragraph numbers as contained in the Complaint.

Out of Sequence Paragraph Number:

13. Defendants New Moon Nails, Inc. and Yang Zheng Yue deny the allegations with respect to them of Paragraph 13.

14. Defendants New Moon Nails, Inc. and Yang Zheng Yue deny the allegations with respect to them of Paragraph 14.

15. Defendants New Moon Nails, Inc. and Yang Zheng Yue deny the allegations with respect to them of Paragraph 15

16. Defendants New Moon Nails, Inc. and Yang Zheng Yue deny the allegations with respect to them of Paragraph 16

17. Defendants New Moon Nails, Inc. and Yang Zheng Yue deny the allegations with respect to them of Paragraph 17

18. Defendants New Moon Nails, Inc. and Yang Zheng Yue deny the allegations with respect to them of Paragraph 18.

19. Defendants New Moon Nails, Inc. and Yang Zheng Yue lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 19 and, therefore, deny the same.

20. Defendants New Moon Nails, Inc. and Yang Zheng Yue lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 20 and, therefore, deny the same.

21. Defendants New Moon Nails, Inc. and Yang Zheng Yue lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 21 and, therefore, deny the same. Except as expressly admitted herein, the rest and remainder of Paragraph 21 are denied.

22. Defendants New Moon Nails, Inc. and Yang Zheng Yue lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 22 and, therefore, deny the same.

23. Defendants New Moon Nails, Inc. and Yang Zheng Yue admit that Yang Zhen Yue is the president and owner of New Moon nails, Inc., and as such, is responsible for employment decisions of that company, including hiring, firing, and establishing work hours and rates of pay for employees, if any. Except as expressly admitted herein, the rest and remainder of Paragraph 23 is denied.

24. Defendants New Moon Nails, Inc. and Yang Zheng Yue admit that Yang Zhen Yue is the president and owner of New Moon nails, Inc., and as such, is responsible for employment decisions of that company, including hiring, firing, and establishing work hours and rates of pay for employees, if any. Except as expressly admitted herein, the rest and remainder of Paragraph 23 is denied.

25. Defendants New Moon Nails, Inc. and Yang Zheng Yue admit that Yang Zhen Yue is the president and owner of New Moon nails, Inc., and as such, is responsible for employment decisions of that company, including hiring, firing, and establishing work hours and rates of pay for employees, if any. Except as expressly admitted herein, the

rest and remainder of Paragraph 24 is denied or contains legal assertions or conclusion to which no responsive pleading is required.

26. Defendants New Moon Nails, Inc. and Yang Zhen Yue deny the allegations contained in Paragraph 26 of the Complaint.

27. Defendants New Moon Nails, Inc. and Yang Zhen Yue deny the allegations contained in Paragraph 27 of the Complaint.

28. Defendants New Moon Nails, Inc. and Yang Zhen Yue repeat and re-allege their answers to Paragraphs 1-27 of the Complaint herein.

29. Paragraph 29 of the Complaint contains legal assertions or conclusions to which no responsive pleading is required. Except as expressly admitted herein, Defendants New Moon Nails, Inc. and Yang Zheng Yue deny the rest and remainder of Paragraph 29.

30. Paragraph 30 of the Complaint contains legal assertions or conclusions to which no responsive pleading is required. Except as expressly admitted herein, Defendants New Moon Nails, Inc. and Yang Zheng Yue deny the rest and remainder of Paragraph 30.

31. Paragraph 31 of the Complaint contains legal assertions or conclusions to which no responsive pleading is required. Except as expressly admitted herein, Defendants New Moon Nails, Inc. and Yang Zheng Yue deny the rest and remainder of Paragraph 31.

32. Paragraph 32 of the Complaint contains legal assertions or conclusions to which no responsive pleading is required. Except as expressly admitted herein, Defendants New Moon Nails, Inc. and Yang Zheng Yue deny the rest and remainder of Paragraph 32.

33. Paragraph 33 of the Complaint contains legal assertions or conclusions to which no responsive pleading is required. Except as expressly admitted herein, Defendants New Moon Nails, Inc. and Yang Zheng Yue deny the rest and remainder of Paragraph 33.

34. Paragraph 34 of the Complaint contains legal assertions or conclusions to which no responsive pleading is required. Except as expressly admitted herein, Defendants New Moon Nails, Inc. and Yang Zheng Yue deny the rest and remainder of Paragraph 34.

35. Paragraph 35 of the Complaint contains legal assertions or conclusions to which no responsive pleading is required. Except as expressly admitted herein, Defendants New Moon Nails, Inc. and Yang Zheng Yue deny the rest and remainder of Paragraph 35.

36. Defendants New Moon Nails, Inc. and Yang Zheng Yue deny the allegations with respect to them of Paragraph 36.

37. Defendants New Moon Nails, Inc. and Yang Zheng Yue deny the allegations with respect to them of Paragraph 37.

38. Defendants New Moon Nails, Inc. and Yang Zheng Yue deny the allegations with respect to them of Paragraph 38.

39. Defendants New Moon Nails, Inc. and Yang Zhen Yue repeat and re-allege their answers to Paragraphs 1-38 of the Complaint herein.

40. Paragraph 40 of the Complaint contains legal assertions or conclusions to which no responsive pleading is required. Except as expressly admitted herein, Defendants New Moon Nails, Inc. and Yang Zheng Yue deny the rest and remainder of Paragraph 40.

41. Defendants New Moon Nails, Inc. and Yang Zheng Yue deny the allegations with respect to them of Paragraph 41.

42. Defendants New Moon Nails, Inc. and Yang Zheng Yue deny the allegations with respect to them of Paragraph 42.

43. Defendants New Moon Nails, Inc. and Yang Zheng Yue deny the allegations with respect to them of Paragraph 43.

44. Defendants New Moon Nails, Inc. and Yang Zhen Yue repeat and re-allege their answers to Paragraphs 1-43 of the Complaint herein.

45. Paragraph 45 of the Complaint contains legal assertions or conclusions to which no responsive pleading is required. Except as expressly admitted herein, Defendants New Moon Nails, Inc. and Yang Zheng Yue deny the rest and remainder of Paragraph 45.

46. Paragraph 46 of the Complaint contains legal assertions or conclusions to which no responsive pleading is required. Except as expressly admitted herein, Defendants New Moon Nails, Inc. and Yang Zheng Yue deny the rest and remainder of

Paragraph 46.

47. Paragraph 47 of the Complaint contains legal assertions or conclusions to which no responsive pleading is required. Except as expressly admitted herein, Defendants New Moon Nails, Inc. and Yang Zheng Yue deny the rest and remainder of Paragraph 47.

48. Paragraph 48 of the Complaint contains legal assertions or conclusions to which no responsive pleading is required. Except as expressly admitted herein, Defendants New Moon Nails, Inc. and Yang Zheng Yue deny the rest and remainder of Paragraph 48.

49. Paragraph 49 of the Complaint contains legal assertions or conclusions to which no responsive pleading is required. Except as expressly admitted herein, Defendants New Moon Nails, Inc. and Yang Zheng Yue deny the rest and remainder of Paragraph 49.

50. Defendants New Moon Nails, Inc. and Yang Zheng Yue deny the allegations with respect to them of Paragraph 50.

51. Defendants New Moon Nails, Inc. and Yang Zheng Yue deny the allegations with respect to them of Paragraph 51.

52. Paragraph 52 of the Complaint contains legal assertions or conclusions to which no responsive pleading is required. Except as expressly admitted herein, Defendants New Moon Nails, Inc. and Yang Zheng Yue deny the rest and remainder of Paragraph 52.

53. Defendants New Moon Nails, Inc. and Yang Zheng Yue deny the allegations with respect to them of Paragraph 53.

54. Defendants New Moon Nails, Inc. and Yang Zhen Yue repeat and re-allege their answers to Paragraphs 1-53 of the Complaint herein.

55. Paragraph 55 of the Complaint contains legal assertions or conclusions to which no responsive pleading is required. Except as expressly admitted herein, Defendants New Moon Nails, Inc. and Yang Zheng Yue deny the rest and remainder of Paragraph 55.

56. Paragraph 56 of the Complaint contains legal assertions or conclusions to which no responsive pleading is required. Except as expressly admitted herein, Defendants New Moon Nails, Inc. and Yang Zheng Yue deny the rest and remainder of

Paragraph 56.

57. Defendants New Moon Nails, Inc. and Yang Zheng Yue deny the allegations with respect to them of Paragraph 57.

58. Defendants New Moon Nails, Inc. and Yang Zheng Yue deny the allegations with respect to them of Paragraph 58.

59. Defendants New Moon Nails, Inc. and Yang Zheng Yue deny the allegations with respect to them of Paragraph 59.

60. Defendants New Moon Nails, Inc. and Yang Zheng Yue deny the allegations with respect to them of Paragraph 60.

61. Defendants New Moon Nails, Inc. and Yang Zheng Yue deny the allegations with respect to them of Paragraph 61.

62. Defendants New Moon Nails, Inc. and Yang Zhen Yue repeat and re-allege their answers to Paragraphs 1-61 of the Complaint herein.

63. Paragraph 63 of the Complaint contains legal assertions or conclusions to which no responsive pleading is required. Except as expressly admitted herein, Defendants New Moon Nails, Inc. and Yang Zheng Yue deny the rest and remainder of Paragraph 63.